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February 17, 2023

VIA ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nilejawel Stora v. City of New York et al.*, 22-CV-08642 (MKV)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for the City of New York ("City") in the above referenced matter. I write to respectfully request that the Court grant a one month enlargement of time, from February 17, 2023¹ to March 17, 2023, for defendant City to answer or otherwise respond to the complaint. This is the City's second request for an enlargement of time to respond to the complaint and plaintiff's counsel, Pablo A. Fernandez, consents to this request.²

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. §1983, alleging *inter alia* that on or about August 27, 2021, she was subjected to an unlawful search and seizure at her home. In addition to the City, plaintiff also names the New York City Police Department, New York State Parole Officer Alcontra, and numerous John and Jane Doe NYPD officers as defendants.

As to the procedural history, this case was previously marked for inclusion to the Southern District of New York's Section 1983 Plan (hereinafter referred to as "the Plan") with the City's answer due on January 27, 2023. On January 4, 2023, the Court indicated that this case was incorrectly included in the Plan and removed it from the Plan. *See October 12, 2022 Deleted*

¹ The undersigned acknowledges and apologizes to the Court for this request being made without sufficient notice pursuant to Your Honor's Individual Rules. The undersigned attributes the delay to filing the instant application due to the undersigned being out of the office sick earlier in the week.

² Plaintiff's counsel has indicated that he intends to move to amend the complaint, however, as of this filing, no such application has been made.

Document Entry, entered on January 4, 2023. On January 25, 2023, the City requested an enlargement of time to February 17, 2023 to respond to the complaint. *ECF No. 18.* Your Honor subsequently granted this request. *ECF No. 19.*

In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this Office needs additional time to investigate the allegations set forth in the Complaint. To that end, this Office has encountered difficulty obtaining information regarding the alleged incident because plaintiff was not arrested on the incident date. Recently it was discovered that, upon information and belief, the basis for the purported encounter at the plaintiff's residence was due to a search by New York State Parole for plaintiff's brother. As such, the requested enlargement of time will allow this Office time to request, procure and review the appropriate documents, and investigate the allegations in the Complaint.

Accordingly, the City respectfully requests an enlargement of time until March 17, 2023 to answer or otherwise respond to the complaint.

Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai /s
Thomas Lai
Senior Counsel
Special Federal Litigation Division

To: **VIA ECF**
Pablo A. Fernandez
Attorney for Plaintiff

Sarande Dedushi
Attorney for co-defendant Alcontra

Granted. SO ORDERED.

Date: 2/21/2023
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge